

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Application 25287)	
SYNANON FOUNDATION, INCORPORATED)	Decision: 1529
Applicant)	Source: Unnamed Stream
ST. JOHNS RIVER ASSOCIATION, ET AL.)	County: Tulare
Protestants)	

DECISION DENYING APPLICATION 25287

BY THE BOARD:

Synanon Foundation having filed Application 25287 for a permit to appropriate unappropriated water; protests having been received; a public hearing having been held before the State Water Resources Control Board on August 1, 1978; applicant and protestants having appeared and presented evidence; the evidence received at the hearing having been duly considered; the Board finds as follows:

Substance of Application

1. Application 25287 seeks to appropriate seven acre-feet per annum (afa) by storage to be collected from November 1 to May 1 for recreation and fire protection purposes from an unnamed stream tributary to Dry Creek thence Kaweah River. The point of diversion and place of use are located within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 26, T15S, R27E, MDB&M.

Applicant's Project

2. The applicant proposes to store water behind an existing earth dam 20 feet high and 160 feet long. The project was constructed in 1966 with the assistance of the Soil Conservation Service. The applicant has since drilled a well for domestic purposes with which it maintains the water level in the reservoir after the rainy season.

Protests

3. The St. Johns River Association, Kaweah River Association, Harrell Ranch and C. E. and N. Frances Patty filed protests against Application 25287. The Harrell Ranch and the Patty protests were withdrawn prior to the hearing.

4. The St. Johns and Kaweah River Associations are composed of irrigation districts, irrigation companies and individuals that have joined together to maintain and protect their water rights. They claim pre-1914 appropriative and riparian rights on the Kaweah and St. Johns Rivers. They claim to have diverted and put to beneficial use the entire flow of the Kaweah River system in nearly every year since construction of Terminus Dam in 1962. They claim there is no unappropriated water available for the proposed project.

Availability of Unappropriated Water

5. Board Decisions 1018 and 1432 on the Tule River, and Decision 1435 on Sand Creek tributary to Cross Creek, both tributary to Tulare Lake, denied applications on the grounds that no unappropriated water is available in tributaries to Tulare Lake.

6. The evidence presented at the hearings leading to the above-mentioned decisions indicates that all of the water reaching the Tulare Lake Basin has been put to beneficial use since before 1878, which was the last time Tulare Lake overflowed into the San Joaquin River. The reservoir named in Application 25287 would collect storm runoff water that would otherwise flow into Tulare Lake.

7. No new evidence has been presented to counter prior Board findings that no unappropriated water is available in the Tulare Lake Basin to supply the applicant.

8. The applicant has developed a source of groundwater to maintain the level of the reservoir, and can legally continue to maintain the reservoir as long as all surface waters are bypassed.

Conclusions

9. From the foregoing findings, the Board concludes that Application 25287 should be denied.

ORDER

IT IS HEREBY ORDERED that Application 25287 be denied.

Dated: SEP 20 1979



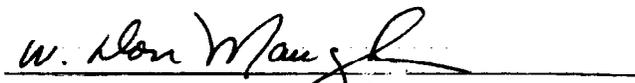
Carla M. Bard, Chairwoman



William J. Miller, Vice Chairman

ABSENT

L. L. Mitchell, Member



W. Don Maughan, Member

